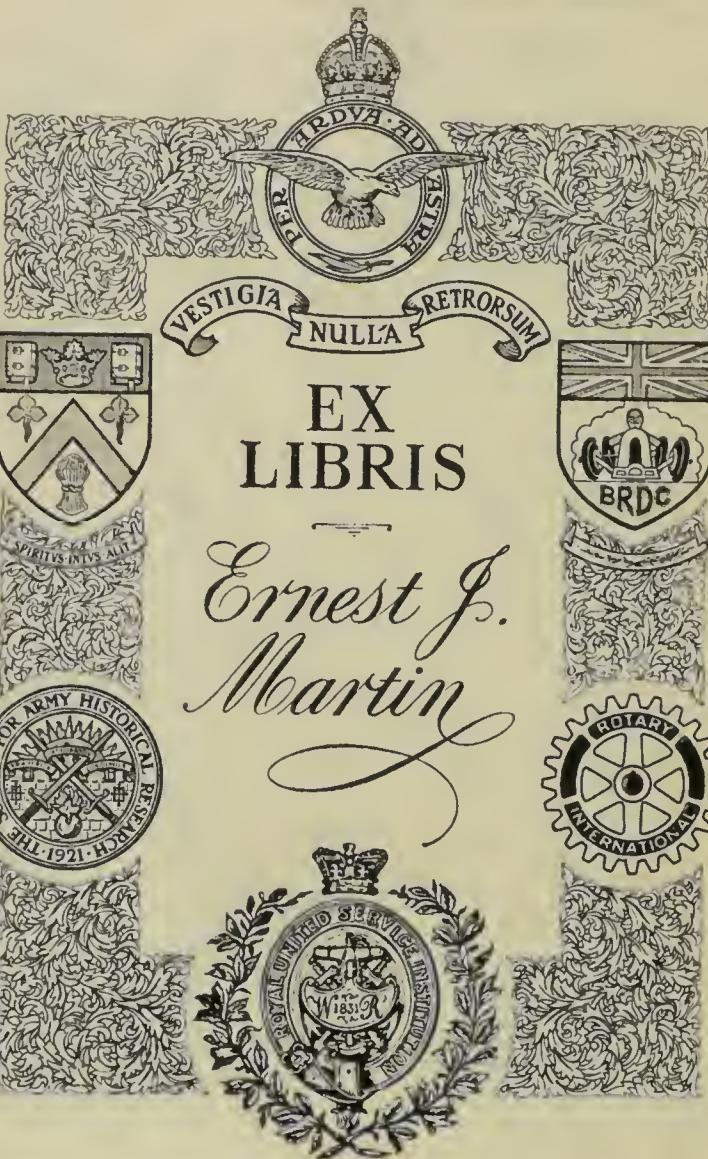


THE CASE OF  
PATRICK DILLON ESQ.





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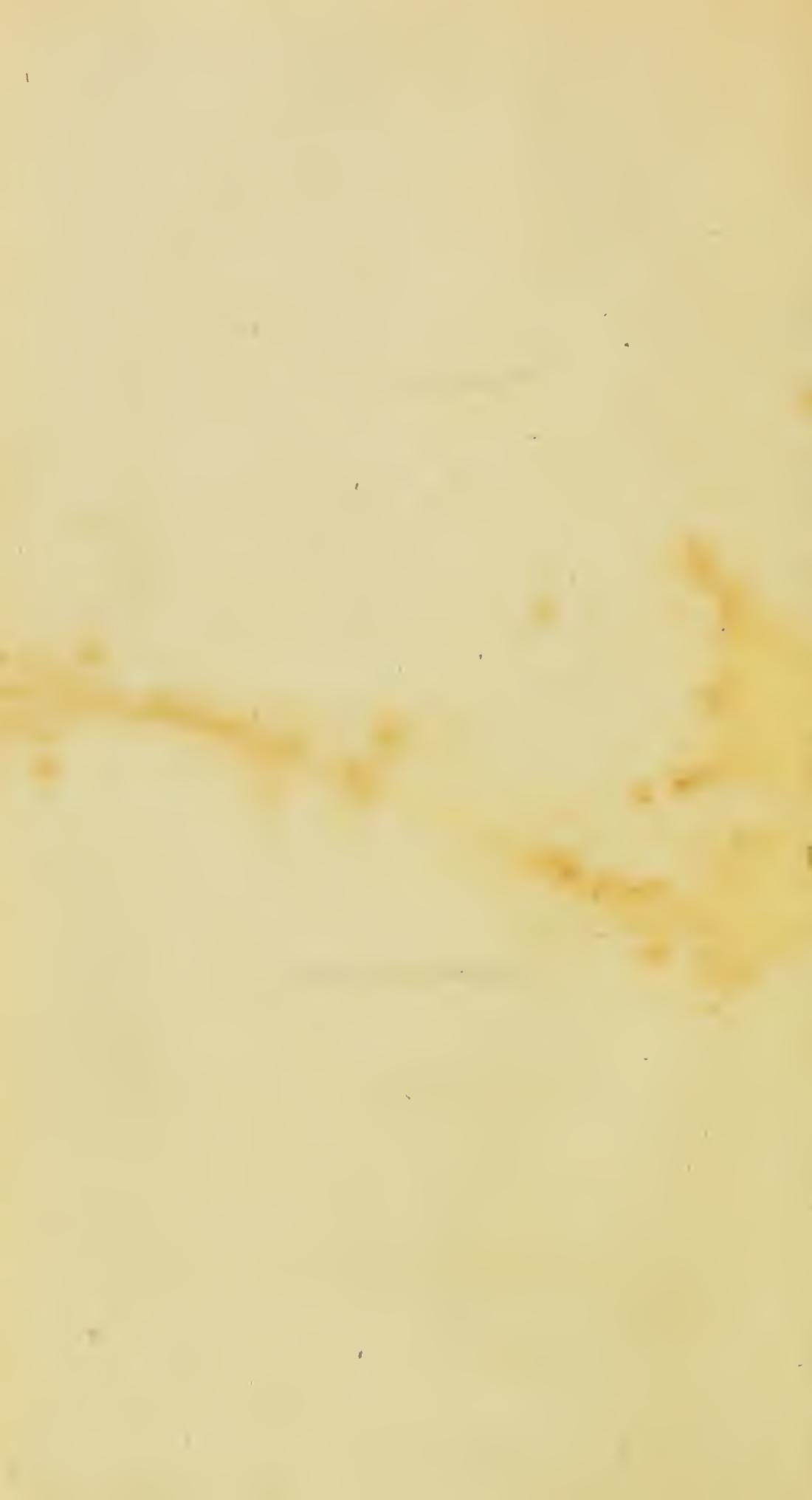
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T H E  
C A S E  
O F

P A T R I C K D I L L O N, Esq.

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S I N G U L A R and I N T E R E S T I N G

C A S E

O F

P A T R I C K D I L L O N, Esq.

Late SURGEON of the 64th REGIMENT of FOOT,

Who was lately dismissed from his Majesty's Service in consequence of having sent a Challenge to ROBERT HEDGES, Esq. late Captain in the 67th Regiment, for Defamation on the late Court-Martial which was held for the

T R I A L O F M A J O R B R O W N E.

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*Castigatio sine ira.*

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L O N D O N:

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## D E D I C A T I O N

TO THE

OFFICERS of the 64th Regiment.

GENTLEMEN,

I Beg leave to dedicate the following pamphlet to you. I hope you will afford it that protection which its Author has ever experienced from your kindness. It was in consequence of the disturbances which distracted the 67th regiment on my arrival from the West Indies, that, at the particular solicitation of my friends, I changed my situation, and notwithstanding many flattering prospects in the army presented themselves at the same time, my respect for the Officers of the 67th regiment induced

duced me most powerfully to give their regiment the preference, and the happiness that I promised myself from an association with gentlemen of such acknowledged honour and probity, has been realized in the extreme. On a perusal of this narrative, you will find the causes that led to my present uncomfortable situation ; and I hope you will conclude with me, that if I had been totally divested of the nice sensations of a Gentleman myself, it was a duty that I owed you, my former commanding officers, whose approbation I have ever received, and the army at large, to have sacrificed my commission to your feelings for me upon this occasion. I now submit my case with the most perfect resignation, not only to you, but to the publick in general, fully conscious that I have been guided in my own conduct through this disagreeable busines, by the immediate impulse of honour and rigorous necessity.

The

The character of a captious or quarrelsome man, I have always treated with the most marked contempt; but notwithstanding I have unfortunately incurred his Majesty's displeasure, if you sanctify my behaviour by your enviable approbation, I shall retire to the duties of a private situation, unembittered by regret.

I am, gentlemen,

Most affectionately,

Your truly obliged,

And obedient humble servant,

PATRICK DILLON.

No. 5, Suffolk-street, Charing Cross,

October 25, 1787.



---

C A S E

O F

P A T R I C K D I L L O N, Esq.

BEING called upon as an evidence to give testimony on the late Court Martial, which was convened at the Horse Guards, White-hall, for the trial of MAJOR BROWNE, of the 67th regiment of foot, on the charges of cruelty and oppression exhibited against him, by CAPTAIN HEDGES of the same regiment, Captain HEDGES stated an objection to the competency of my testimony, by asserting that I had *deserted* from his Majesty's navy, and that he held me in a worse light than EDWARDS, who stood at the bar accused of having robbed his master MAJOR BROWNE; and submitted to the Court Martial, how much more improper it was to admit my evidence as valid, than he who was only suspected of having committed a *theft*. Upon this direct, scandalous and false charge, I begged permission to address the Court in a few words, and as CAPTAIN HEDGES had thought proper

B

thus

thus publickly to malign my character, the only satisfaction I could then embrace was to give the Court Martial a brief account of my progression in the service, and let my character answer for itself. This indulgence being granted, I proceeded to inform the Court, that "I changed my situation from his Majesty's navy in South Carolina to the army, where I was appointed Assistant Surgeon to the General Hospital, by Dr. Hayes, the Physician General, and it is to his good report of my professional skill and attention, that I was indebted for an immediate advancement, and sent on actual service; he recommended me to the protection of Lord RAWDON, and I was, in consequence, appointed surgeon to the battalions of light infantry and grenadiers. Having spent that campaign to the southward, under his Lordship's command, by the warmest recommendations from my commanding officers, and the Physician General to his Lordship, I succeeded to the vacant Surgeoncy of his own regiment." As I attempted to continue my narrative the whole Court interfered, which was instantly ordered to be cleared, and whose feelings for me on this occasion I shall ever remember with the most lively sense of gratitude.

Shortly after the Court resumed, when Sir CHARLES GOULD, the Judge Advocate, read the following declaration.

“ Captain HEDGES, the Court think it very unbecoming of you to have brought such a circumstance forward, particularly as Surgeon DILLON holds his Majesty’s commission; besides it is a matter that the Court has nothing to do with.”

This malicious attempt of which he was guilty, has eventually rendered him no material service, but has been instrumental in all probability, to that dismission he has since experienced. In consequence of this gross and unprecedented insult, I was advised immediately, on his coming out of Court, by all my friends, to send him a message expressive of my resentment for his base and unwarrantable assertions; but this measure was instantly over-ruled, as the Court was then sitting, and my friends were apprehensive that he would make an appeal to them for their protection, and declare that he was intimidated from carrying on the prosecution; but the Court Martial having terminated a few days after this transaction, I sent Captain HEDGES the following message:

The message which was delivered by Mr. COSTELLO.

“ SIR,

I am desired by Mr. DILLON to demand an immediate meeting from you, to answer for the opprobrious and ungentlemanlike epithets, which you made use of to the Court Martial, when he came to deliver his testimony.”

Upon this intimation he declined the meeting, remarking at the same time, that as he had given his opinion of me to the Court Martial, he could not think of it; Mr. COSTELLO then informed him, that his character was at stake; that the world was not inclined to think as he did, and that he must take the consequence in the eyes of the whole army and the world, to whom the circumstance should be made known.

#### R E M A R K S.

After the pulse of his firmness as a man had been thus felt, my friends concluded, that it would be dangerous to proceed any farther in the affair, until the sentence of the Court was made known; and that

as

as the conduct of Captain HEDGES might be held in a very dubious light, even at that time, by the Court-Martial, and apprehensive of committing the smallest indelicacy towards the respectable Court then sitting, it was agreed that my resentment should be suspended.

I always entertained [an idea, from the general character of my opponent, that he would seize the first opportunity that offered, of protecting his person from the consequences naturally to be expected from his insult to me, by availing himself of the doctrine contained in the Articles of War ; I, therefore, declined sending a military gentleman upon this troublesome occasion, well knowing that an officer might become the object of his *indirect resentment*, by being subject to the serious penalties of a Court-Martial ; and how far these suspicions were justifiable, the following events will sufficiently prove. These combinations of circumstances made me defer any farther procedure, until that period of time should arrive, when prudence might warrant hostility ; dreading that moment, the ferocious Captain HEDGES took shelter under the banners of his friend the Lieutenant-Colonel of his own regiment, who, from motives of charity to him, as well as motives of *justice*

rice to a man of honour, laid his terrors at the feet of Majesty—the complainant suing for protection from the aggregate horrors of a challenge, which was immediately granted, by my being put under an arrest on Friday the 4th day of October, by the following message, which was delivered by Ensign MANWARING of the 67th regiment.

“ Sir,

“ I am desired by Lieutenant General MAXWELL BROWNE, and Major General CROSBIE, to inform you, that you are under an arrest by his Majesty’s command, in consequence of your conduct to Captain HEDGES of the 67th regiment.”

Thus an Algerine corsair, when afraid of being conquered by some unoffending vessel that she has assailed, scuds with dismay under the cannon of Gibraltar for refuge, though the cause of such a degradation has been excited, by her own base and infernal violation of social duty and humanity.

On

On Saturday the 5th of October, I sent the following letter to Sir **GEORGE YONGE**, Secretary at War.

“ Sir,

“ Having been ordered under arrest by Lieutenant General **BROWNE** and General **CROSBIE**, of the 67th regiment, in consequence of their representation of my conduct to Captain **HEDGES** of the said regiment, unconscious of any crime or cause, I have to request a copy of any charges exhibited against me, and am,

Sir,

Your most obedient  
Humble servant,  
**P. DILLON**,  
Surgeon 64th regiment.

**Sir GEO. YONGE**, Bart.

Secretary at War.

Upon my not receiving any answer to this letter, I was persuaded by my friends to let the matter remain as it was, as the palpable cause of my confinement was to prevent any bad consequences between Captain **HEDGES** and myself, and all were perfectly satisfied that the affair would never come before a Court Martial, nor make it necessary to require the intercession of my

my friends, at that time in town, with his Majesty. I was the more confidently deluded into this security by the Secretary at War's silence upon the subject, and whose character alone insured me, that he would deal out justice with an impartial hand. I could not, however, prevail upon myself to reject the suspicions altogether which arose in my mind as to the candour and integrity of Captain HEDGES, well knowing that *cowardice* was a striking feature in the portrait of a *detractor*. Impelled by such sentiments, and suspecting misrepresentations, I wrote the following letter to General MAXWELL BROWNE on the ninth of October.

“ Sir,

“ Having been since the 4th instant confined under arrest, by your and Major General CROSBIE's representation of me to his Majesty, for my conduct to Captain HEDGES of the 67th regiment, unconscious of any cause, I have to request you will be so kind as to send me the specifick charges preferred against me, that I may take such steps as may be prudent in my own vindication, that his Majesty may not receive

receive any unfavourable impressions of me in his royal breast.

I am,

Sir,

Your most obedient,  
Humble servant,  
PATRICK DILLON,  
Surgeon 64th regiment."

Maj. Gen. MAXWELL BROWNE,  
67th regiment.

On the succeeding day, Oct. 10, I received the following letter from General MAXWELL BROWNE :

*New Cavendish-street, Oct. 9.*

Sir,

" I received your letter of yesterday, and have to inform you, that the *complaint* preferred against you by Captain HEDGES, I gave to his Majesty's Secretary at War, a *copy* of which I have not.

I am,

Sir,

Yours, &c.

ED. MAXWELL BROWNE."

Mr. DILLON,  
Surgeon 64th regiment.

Discovering by the above letter, that a charge had been exhibited against me, on the 11th of October, I inclosed General BROWNE's letter with a copy of that which occasioned his answer to Sir GEORGE YONGE, most earnestly requesting a copy of the charge, that I might endeavour to obviate any disagreeable consequences that might arise, and also represented to him the uncomfortable sensations that I was reduced to the necessity of enduring from an arrest, without either crime or cause, and that inconvenience effected by the unsupported assertions of such a man as Captain HEDGES of the 67th regiment.

### R E M A R K.

The same silence was observed in regard to this letter, as I experienced on the 5th instant, when I first wrote to the Secretary at War; and the same opinion of my friends as to the impossibility of my receiving injury still operated. In this stage of the business they uniformly advised me to bear the arrest with patience, until the Court Martial met to give sentence on the late trial; as then, in all human probability, the whole affair would terminate happily; and

and they were the more emboldened to enforce that idea, from a consideration that the whole Court were in possession of the knowledge of the insult, and would, as men of honour, justify, in their own bosoms, even more violent measures than I had pursued, as the offence given was publick, gross, and unwarrantable, and that, if required on my part, they would represent the whole affair to his Majesty; they urged likewise, that if it was their intention to try me by a Court Martial, my crime would have been sent to me long before, agreeably to the spirit and injunction of the Articles of War. That if any serious consequence was to be the event, an equal field of action, at least, would be given to the accused as to the accuser; besides, it was not reasonable to conclude that the bare assertion of a person, whose behaviour as a witness was reprehended, even on oath, before the late Court Martial, and who has since been dismissed the service, would be considered as admissible, or dignified with even the common forms of attention.

A firm reliance on the equal distribution of justice in the War Department from Sir GEORGE YONGE, strengthened those ideas which my friends had suggested; however it should be remarked with much point, that notwithstanding my warm entreaties

to the contrary, I was still kept in the dark as to what representations had been made to his Majesty relative to my conduct. General BROWNE having declared that he acted but officially as commanding officer of the 67th regiment, in presenting the complaints from Captain HEDGES, at the same time adding, that he was a total stranger to the contents or particulars of the charge. With infinite humility I will here presume to remark, that it appears somewhat irreconcileable to my common conception of what is right and wrong, that General BROWNE should present a charge against me, fraught with such important consequences to my peace and interest, without even deigning to examine its complexion ; perhaps this remark is superfluous and improper ; but, at any rate, I have thought it necessary to commit it to paper, with this simple excuse, it is the language of my reason. As General BROWNE has formally declared his ignorance of the substance of the complaint, the knowledge of it I must now venture to suppose lies with Major General CROSBIE.

On the 17th of October I received the following letter.

“ Sir,

I have it in command from the King to acquaint you, that his Majesty has thought fit to dismiss you from his service.

I am, Sir,

Your most obedient,

Humble Servant,

GEORGE YONGE.”

Surgeon DILLON,

64th. reg. No. 5, Suffolk-street, Charing Cross.

On the 18th I waited on the Surgeon General, to whom I presented the above letter, and whose concern alone upon the occasion would be an ample compensation to me for any other loss I could have sustained, except that of being removed from under his generous protection in the service. I hope the world will not accuse me of vanity in bringing forward the approbation of Mr. ADAIR with some degree of ostentation, as I have always considered that the man must have strong pretensions to general esteem, who could merit so warm a professional eulogium as Mr. ADAIR thought proper to bestow upon me; he did

did more than bear testimony to the efficiency of my character, he felt for my situation, into which the error of a moment had plunged me, and that error too originating from obeying an impulse of resentment inseparable from the character of a man of honor, an impulse which if I did not possess and exercise, I should become an object of scorn to the brave and liberal part of society. Was I able to draw the exact likeness of Mr. ADAIR, I should pourtray the most amiable of mankind, who unites with the most exalted skill, the humanity and benevolence of a HOWARD, and whose unwearyed attentions are employed to diminish the calamities incident to our situation, and hold forth encouragement and rewards to obscure merit, though unallied to statesmen, and unblest with the patronage of nobility.

On a recital of my case, Mr. ADAIR desired that I would state my services to the Secretary at War, and to throw myself entirely upon his Majesty's clemency. As Mr. ADAIR's desires should be eagerly fulfilled, I immediately wrote a letter to Sir GEORGE YONGE, of the following tendency.

In my letter to Sir GEORGE YONGE I stated my having been upwards of seven years a surgeon in his Majesty's service, the former part of which time was consumed in severe duty, while I remained with the army in America, where I had the

the misfortune to be taken prisoner; after that period I was sent to the West-Indies, where my health was materially injured by the consequences of almost incessant duty, and the unwholesomeness of the climate; and that these services were performed, as I had every reason to believe, with the approbation of all my commanding officers, as they frequently did me the honour to be zealously forward in acknowledging their good opinion of me, both as an officer and a gentleman. All these circumstances combined, induced me to inform the Secretary at War that I thought myself entitled to, at least, an impartial hearing, particularly as it was to defend myself by the language of truth, from an event fraught with the most irremediable and momentous consequences to an individual, whose primary ambition was to serve the King his master with vigilance and fidelity; that it had unfortunately fallen to my own lot to plead my own cause, my friends in general being absent, and particularly Lord RAWDON, and my present commanding officer Colonel EYRE; added to this, my being confined as a prisoner, by which uncouth accident I was denied all the advantages that might probably arise from personal exertions in an affair of this tendency. However, I assured Sir GEORGE YONGE there were many other

Field

Field Officers, now in England, who would be responsible for my demeanour upon all occasions. For my pretensions as a professional man, who had some legal claim to the material requisites of ability and attention, I referred him to Mr. ADAIR, the Surgeon General, and to the Physician General, Dr. HAYES, under whom I had served in America; and, finally, requested him to lay this account of my progression in the army before his Majesty, upon whose royal clemency I had the most perfect reliance, not doubting but that the desired consequence would be an impartial investigation of my conduct, or a restoration to my rank in the army.

Previous to the conveyance of the above letter to Sir GEORGE YONGE, the Surgeon General visited him in my behalf, and was pleased to mention me in the most handsome manner: the immediate fruit of this interference was a requisition to his Majesty on the succeeding day for my restoration, when my letter to the Secretary at War was laid before the King; but his Majesty remained inexorable as to my fate; looking upon my conduct towards Captain HEDGES, as a contempt to the Court Martial then sitting.

On the 19th of October I received the following letter.

" Sir,

*War-Office.*

I have received your letter of yesterday's date, and am to acquaint you, that his Majesty does not think it consistent with the good of his service to countermand your dismission.

I am, Sir,

Your obedient servant,

GEO. YONGE.

P. DILLON, Esq.

Upon receiving this official intimation from the Secretary at War, I resigned almost every hope of being reinstated, but I had not sufficient firmness to reflect upon the event without infinite agony; and the principal cause of that perturbation arose from my heart-felt sorrow, that a man could be finally condemned in this country, and disrobed of his fortune and his peace, without being permitted to enjoy the common satisfaction of previously perusing the letter of his accusation; but an impulse of duty, as well as veneration, commands me to be silent, as the completion of my ruin in the army (however irregularly and basely effected by my enemies) has been

D

hallowed

hallowed with the approbation of my King, I shall endeavour to bear my destiny as I ought, with decent resignation.

As soon as I had recovered from the first impressions of that anxiety and consternation into which I was hurried by this unwelcome communication of my fate, I wrote a letter to Lord RAWDON, and another to Major DOYLE, expressive of my concern for this unexpected and ruinous issue; to which letters I received the following kind answers.

Copy of Major DOYLE's Letter.

*Donington-Park, Leicestershire,  
October 20, 1787.*

My dear Sir,

It is with infinite regret I learn from your letter, that his Majesty has been so much displeased with your conduct, as to direct your being dismissed from his service. It must have been strangely misrepresented to the King, or you must have very much changed your character since I knew you, to have merited so severe a punishment.

Had a public investigation into your character afforded me the opportunity, I should have been happy to have done it that justice

justice which your exemplary good behaviour deserved, while you were under my command, upon very active service in America. I shall always be ready to testify, that your professional attention and humanity, and your conduct as a Gentleman, met with my fullest approbation as your Commanding Officer, and obtained for you the good opinion and regard of the Officers and soldiers of the regiment.

You propose going immediately to Dublin; I shall be there to attend Parliament in November, and if I can render you any service, you may freely command it, as I am, from a knowledge of your character,

My dear Sir,

Your very faithful servant,

J. DOYLE,

Major, late 105th regiment.

P. S. From the manner in which I have heard Colonel Doyle speak of you while he commanded the regiment, I have no doubt he will readily give you any testimonials you may require.

P. DILLON, Esq.

## Copy of Lord RAWDON's Letter.

Donington, October 21, 1787.

Sir,

It was with much concern that I received, from your letter, the information of your dismission from the service. The strict justice of the measure, however severe, cannot be arraigned, as you voluntarily ran the hazard of a penalty to which you knew your conduct rendered you liable: but you must have the satisfaction to feel, that it reflects no discredit upon you, whilst the not having taken those steps by which you incurred it, would have exposed you to contempt. No man can hold in greater abhorrence than I do, the character of a captious person: there are offences, however, which, according to the way of thinking established amongst Gentlemen, leave it not in the option of a man of honour to be patient; and such, by all I have heard, was the affront that you received. Till some sufficient punishment shall be awarded against those who wantonly offer insults of that nature, it will be incumbent on every officer to take it upon himself, whatever ordinance may stand in the way.

You

You say, you wish to be assured that I was satisfied with your behaviour whilst you were in my regiment. When I appointed you surgeon to it, I believe I had never seen you. Wishing to shew justice to every branch of the army under my command, upon the vacancy I enquired which of the mates in the General Hospital was most deserving for his attention to duty, and for his private character. You were named to me as such, and I gave you, in consequence, the appointment. Your behaviour justified the representation that had been made in your favour. The Officers commanding the regiment, at different periods, always spoke of your conduct with satisfaction; and, from every appearance, I have reason to believe, that you were much esteemed in the corps.

I am happy to bear a testimony which I think due to you; and remain,

Sir,

Your most obedient servant,

RAWDON.

Mr. DILLON.

With such honourable testimonies in his favour, what man would not be proud? and to speak the truth, at the moment that I received those letters, I had need of some such conciliating antidote to misfortune. As by far the greater part of mankind are disposed

disposed to be uncharitable in their opinion, and being likewise totally ignorant of the exactness of military discipline, and serious effects that are produced by any violation of good order in the army, I thought it incumbent on me to publish this short narrative of a fact, in vindication of my character, previous to my quitting London; and that the world may be enabled to form some judgment of the candour of Major General CROSBIE's representations of my conduct to his Majesty, who has doubtless imbibed impressions to my disadvantage from some *person*, who under the mask of impartiality and the good of the service, was only aiming an effectual blow to overthrow my pursuits; and what is infinitely worse, to excite his Majesty's displeasure towards me, that the cup of my vexation might be charged to the very brim; but the motives for that person's conduct are as notorious as my dismission. The cruel and impolitic lenity of his command in the West-Indies to the soldiers at Port Liberty, by the indulgences of drunkenness, and exposure to heat, damp and cold, was attended with such dreadful calamities, as were never known before even in the heat of battle; all which traits of his command I opposed by my representations, as frequently as I had an opportunity, and in doing which I literally fulfilled the duties of

of my situation ; I could not, as the servant and surgeon of his Majesty, see the ranks daily thinning, by the horrid consequences of intemperance in that country, without holding out my arm for the preservation of my fellow creatures.

With all my imperfections on my head, I have now ventured to stand before the awful tribunal of the publick, though I must declare, it is a situation into which I have not willingly entered, and hope it will be considered as a measure of necessity, and not forward presumption. The Gentlemen of the Army are nice in their discriminations of honour and professional duty; they require that the reputation of each other should be as unsullied as the mountain snow, and if a speck should be unavoidably contracted, the causes of that pollution must be clearly explained.

I shall now retire to a life of privacy, and I thank God, that my reflections will not be visited by the abhorred idea, that I have been *obliged* to quit the service of my King, for vilifying the character of a gentleman, when *protected* by superior powers, and afterwards refusing to give him satisfaction, when that *protection* was removed.

